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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

JOHN ADENA, Deceased, by and through his Co-  
Successors in Interest, CIRCE ADENA and  
RICHARD ADENA; CIRCE ADENA, Individually,  
and RICHARD ADENA, Individually,

Plaintiffs,

vs.

SHASTA COUNTY, a public entity; SHASTA  
COUNTY SHERIFF-CORONER TOM BOSENKO,  
in his individual capacity; CAPTAIN DAVE KENT;  
SHASTA COUNTY JAIL DEPUTIES KIRK  
SCHRITTER, DEVIN HURTE, DEPUTY DIAZ,  
EMMANUAL ALCAZAR, ZACHARY  
JURKIEWICZ, JOSEPH GRADY, NATHANIAL  
NEVES, HECTOR CORTEZ; CALIFORNIA  
FORENSIC MEDICAL GROUP, INC., a California  
Corporation; WELLPATH MANAGEMENT, INC., a  
Delaware Corporation; WELLPATH LLC, a  
Delaware Limited Liability Company; TRACY  
LEWIS, L.M.F.T.; PAM JOHANSEN, L.C.S.W.;  
DANIEL DELLWO, P.A.; and DOES 1–20;  
individually, jointly and severally,

Defendants.

Case No. 2:21-cv-00770-MCE-DMC

**STIPULATION AND ORDER TO  
MODIFY PRETRIAL  
SCHEDULING ORDER (ECF No.  
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1 The parties hereby stipulate and agree to modify the Scheduling Order in this matter (ECF  
2 No. 34), as follows:

3 1. This is a complicated wrongful death civil rights case involving Shasta County jail  
4 personnel and Wellpath correctional health care personnel. The case involves seventeen named  
5 Defendants represented by three separate law firms. The parties are represented by experienced  
6 counsel who have worked together before on several cases, and counsel have worked cooperatively  
7 throughout the litigation they have handled together.  
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9 2. By stipulation and order (doc. 37), Plaintiffs filed a First Amended Complaint  
10 naming an additional medical corporation, California Forensic Medical Group, Inc. (CFMG).  
11 Plaintiffs served that new defendant through their counsel, and the deadline for CFMG and the  
12 remaining corporate and individual medical defendants to respond to the First Amended Complaint  
13 is October 31, 2023.

14 3. Unfortunately, it appears that a great deal of jail video is unavailable, requiring more  
15 time-consuming work to discover details of events happening over four weeks at the jail. Plaintiffs  
16 and the County Defendants have engaged in extensive document discovery so far, and have deposed  
17 Deputies Alcazar, Cortez, Edwards, Grady, Hurte, Jurkiewicz, Neves, Smith, Van Gerwen, as well  
18 as Plaintiffs Richard Adena and Circe Adena. The parties still need to depose three more  
19 previously-noticed deputies who are no longer employed by the County, several 30 (b)(6) witnesses,  
20 a number of inmate witnesses, and several medical defendants and representatives of corporate  
21 medical defendants. Discovery of the medical Defendants cannot begin until after CFMG responds  
22 to the First Amended Complaint. In addition, Plaintiffs will need to conduct corporate and financial  
23 discovery from the medical corporate defendants, and based on experiences in other cases with  
24 these parties, such discovery may entail discovery disputes and motion practice.  
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4. Plaintiffs' counsel's law firm, Haddad & Sherwin LLP, is a small firm with three attorneys, two paralegals, and one support staff. Plaintiffs' counsel will be in trial in *Gonzalez v. City of Alameda, et al.*, N.D. Cal. Case No. 4:21-cv-09733-DMR, a complex wrongful death case involving over twenty expert witnesses, beginning on November 6, 2023. On February 6, 2024, Plaintiffs' counsel will try an ADA/wrongful death case, *Atayde v. Napa State Hospital*, E.D. Cal. Case No. 1:16-cv-00398-ADA-SAB. Immediately after the *Atayde* trial, Plaintiffs' counsel and the County Defendants' counsel in this matter will be in trial in *Barbosa v. Shasta County, et al.*, E.D. Cal. 2:20-cv-02298-JAM-DMC, which involves the shooting of a man by a Shasta County Sheriff's Sergeant. The *Barbosa* case is scheduled for trial on March 11, 2024. Due to delays necessitated by Covid-19 shutdowns, Plaintiffs' counsel's trial schedule has become compressed so that they have several trials scheduled in 2023. Plaintiffs' counsel also have 13 other wrongful death/catastrophic injury cases not already listed.

5. In addition to the *Barbosa* case listed in Paragraph 4, counsel for the County Defendants currently have the following trials scheduled between the present and July, 2024: *Michaelidis v. City of Los Angeles, et al.*, U.S. Dist. Court – Central District Case No. 2:22-cv-05620-MCS-MAA, 10/31/23; *Woodward, et al. v. City of Los Angeles, et al.*, U.S. Dist. Court – Central District Case No. 2:22-cv-01306-GW-JEM, 10/03/23; *Acosta v. City of Redondo Beach, et al.*, U.S. Dist. Court – Central District Case No. 2:20-cv-06447 DDP (JPRx), 11/07/23; *Robinson v. City of Santa Monica, et al.*, Los Angeles Superior Court Case No. 21STCV22392, 01/22/24; *Motley v. City of Fresno, et al.*, U.S. Dist. Court – Eastern District Case No. 1:15-cv-00905-ADA-BAM, 01/23/24; *Clemons v. City of Santa Monica, et al.*, Los Angeles Superior Court Case No. 21STCV23577, 01/29/24; *Zaragoza/Cuevas v. County of Riverside, et al.*, U.S. Dist. Court – Central District Case No. 5:20-CV-01381-JGB-SP, 01/29/24; *Garcia v. City of Azusa, et al.*, U.S. Dist. Court – Central District Case No. CV 22-3457 MWF (JPRx), 02/06/24; *Sampson. v. City of*

Case No.: 2:21-cv-00770-MCE-DMC: STIP. AND ORDER TO MODIFY SCHEDULING ORDER

1 *Fresno, et al.*, U.S. Dist. Court – Eastern District Case No. 1:20-CV-00322-ADA-SAB, 02/20/24;  
2 *Wagner. v. Shasta County, et al.*, Shasta County Superior Court Case No. 194351, 03/05/24;  
3 *Crawford v. Nevada County, et al.*, Nevada County Superior Court Case No. CU0000079, 03/19/24;  
4 *Woodward v. City of Los Angeles, et al.*, U.S. Dist. Court – Central District Case No. 2:22-cv-  
5 01306-GW-JEM, 03/26/24; *Singletary v. City of Santa Monica, et al.*, U.S. Dist. Court – Central  
6 District Case No. 2:22-cv-01606-WLH-JEM, 04/02/24; *Rios v. City of Azusa*, U.S. Dist. Court –  
7 Central District Case No. CV 22-03968-SPG-RAO, 04/02/24; *Jones v. County of Shasta, et al.*,  
8 Shasta Superior Court Case No. 199596, 05/14/23; *Black Lives Matter v. City of Santa Monica, et*  
9 *al.*, U.S. Dist. Court – Central District Case No. 2:21-cv-05253-CAS-AFM, 06/04/24; *Arvizu v. City*  
10 *of Fresno, et al.*, U.S. Dist. Court – Eastern District Case No. 1:21-cv-00890-ADA-SKO, 06/11/24;  
11 *Pena v. City of Azusa*, U.S. Dist. Court – Central District Case No. 2:22-cv-07458-SB-MRW,  
12 06/25/24; *EKB-Barber v. City of Azusa*, U.S. Dist. Court – Central District Case No. 2:23-CV-  
13 01067 SPG (JDEx), 07/09/24; *Norman. v. City of Beaumont, et al.*, U.S. Dist. Court – Central  
14 District Case No. 5:23-cv-00308-DSF-SP, 07/29/24; *A.J.P. v. County of San Bernardino, et al.*, U.S.  
15 Dist. Court – Central District Case No. 5:22-CV-01291 SSS (SHKx), 07/29/24. Lead trial counsel  
16 for Defendant Shasta County also has a scheduled vacation from April 28, 2024 to May 18, 2024.

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19 6. Counsel for the corporate medical defendants have the following trials scheduled  
20 between the present and July, 2024: December 4-8, 2023; January 29 – February 1, 2024; February  
21 13, 2024; February 20, 2024; March 4-8, 2024; March 12, 2024; March 18-29, 2024; May 10-24,  
22 2024; June 25-30, 2024.

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24 7. The parties therefore stipulate to an extension of the dates in this matter as follows:  
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<u>Event</u>	<u>Current Date</u>	<u>New Date</u>
Close of Fact Discovery	November 22, 2023	June 21, 2024
Expert Disclosures due	January 12, 2024	August 9, 2024
Rebuttal Expert Disclosures	February 9, 2024	September 20, 2024
Dispositive Motion filing deadline	April 26, 2024	November 29, 2024
Joint Notice of Trial Readiness (if no dispositive motions)	March 1, 2024	October 31, 2024

For the foregoing reasons, the parties respectfully request that this Court enter an Order modifying the schedule in this case as set forth above.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: September 20, 2023

HADDAD & SHERWIN LLP

/s/ Michael J. Haddad

MICHAEL J. HADDAD

Attorneys for Plaintiffs

Dated: September 20, 2023

MANNING & KASS

ELLROD, RAMIREZ, TRESTER LLP

/s/ Kayleigh A. Andersen

MILDRED K. O'LINN

KAYLEIGH A. ANDERSEN

Attorneys for Defendants

SHASTA COUNTY; SHERIFF-CORONER TOM BOSENKO; SHASTA COUNTY JAIL CAPTAIN DAVE KENT; DEPUTIES KIRK SCHITTER, DEVIN HURTE, OMAR DIAZ, EMMANUEL ALCAZAR, ZACHARY JURKIEWICZ, JOSEPH GRADY, NATHANIAL NEVES, and HECTOR CORTEZ

1  
2 Dated: September 20, 2023

THE LAW OFFICES OF JEROME VARANINI

3 /s/ Jerome M. Varanini


4 JEROME M. VARANINI

Attorneys for Defendants

5 WELLPATH INC.; WELLPATH MANAGEMENT,  
6 INC.; WELLPATH LLC; TRACY LEWIS, L.M.F.T.;  
7 PAM JOHANSEN, L.C.S.W.; and DANIEL  
8 DELLWO, P.A

9 IT IS SO ORDERED.

10 Dated: September 22, 2023

11   
12 MORRISON C. ENGLAND, JR.  
13 SENIOR UNITED STATES DISTRICT JUDGE  
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